

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

MYOBY, LLC, and ARS FRESNO,
LLC,

Plaintiffs,

v.

EQUILON ENTERPRISES LLC, dba
Shell Oil Products US,

Defendant.

No. 1:12-cv-2027-CL

ORDER

PANNER, District Judge:

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been filed, I review legal principles *de novo*. See Robbins v. Carey, 481 F.3d 1143, 1147 (9th Cir. 2007).

I agree with the Report and Recommendation that defendant's motion to dismiss should be granted in part and denied in part. I

adopt the Report and Recommendation.

CONCLUSION

Magistrate Judge Clarke's Report and Recommendation (#33) is adopted. Defendant's motion to dismiss (#20) is granted as to MYOBY's second and third claims for violation of ORS 650.245, and as to plaintiffs' claim for tortious breach of the duties of good faith and fair dealing, and otherwise denied.

IT IS SO ORDERED.

DATED this 14 day of August, 2013.

A handwritten signature in black ink, appearing to read "Owen M. Panner", is written over a horizontal line.

OWEN M. PANNER
U.S. DISTRICT JUDGE